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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,088	12/11/2003	Gregory L. Sundberg	279.646US1	7977
21186	7590	12/01/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH 1600 TCF TOWER 121 SOUTH EIGHT STREET MINNEAPOLIS, MN 55402			GREENE, DANA D	
			ART UNIT	PAPER NUMBER
			3762	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,088

Applicant(s)

SUNDBERG, GREGORY L.

Examiner

Dana D. Greene

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/31/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cohen et al. (US 4,998,975, hereinafter "Cohen") in view of Tuominen (US 20040167595 A1, hereinafter "Tuominen"). With reference to claims 1 6-10, 12, 15-17, and 19, Cohen is considered to disclose:

an implantable lead comprising: a lead body (see col. 1, ln. 5-10 and col. 8, ln. 20-21, Cohen). The disclosed implantable defibrillation lead and lead body are considered to anticipate the claimed implantable lead and lead body because both configurations have a reduced size to effectively minimize trauma to the tissue and avoiding any potential problems of open chest surgery;

at least one electrode disposed along the lead body (see col. 9, ln. 60-65, Cohen). The disclosed electrode is considered to anticipate the claimed electrode because both are configured for connection to conductors at specific portions of the lead and allow for electrical signals to be delivered to the tissue;

at least one conductor electrically coupled with the at least one electrode, the at least one conductor including one or more layers of insulation (see col. 4, ln. 32-35, Cohen). The disclosed electrical conductor is considered to anticipate the claimed

conductor because both devices are coupled to electrodes to provide stimulus to the tissue.

Cohen is considered to disclose the claimed invention as discussed above, except for the claimed fillers disposed within the lead body. However, Tuominen teaches cables/elongate members disposed within the lead body that can be formed of silicone (see col. 3, para. 0021, Tuominen). It would have been obvious to one of ordinary skill in the art to combine the teachings of Cohen with the elongate members/fillers of Tuominen for the purpose of producing a lead body with a smaller size to enable effective travel within the vasculature.

With reference to claims 2-3, 11, and 20, Tuominen is considered to disclose fillers with associated compression features (see col. 6, para. 0038, Tuominen). Tuominen discloses compression lumens formed in lead bodies. It would have been obvious to one of ordinary skill in the art to combine the teachings of Cohen with the compression lumens of Tuominen for the purpose of reducing lead body size.

Referring to claims 4, 13, 14, and 18 Cohen teaches a first and second conductor (see col. 8, ln. 61-66, Cohen). The disclosed use of multiple conductors is considered to anticipate the claimed first and second conductor because both configurations allow for independent insulation. It would have been obvious to one of ordinary skill in the art to combine the multiple conductor teachings of Cohen with the fillers of Tuominen for the purpose of creating a lead body having a reduced lead body size.

With reference to claim 5, Cohen teaches a coiled conductor forming a lumen through the center (see col. 8, ln. 58-61, Cohen). The disclosed lumen is considered to

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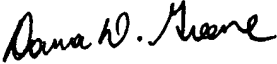
anticipate the claimed lumen because provide convenient access for instruments to be disposed and facilitate the placement or manipulation of the lead within the patient.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana D. Greene whose telephone number is (571) 272-7138. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dana D. Greene


George Manuel
Primary Examiner